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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,527	10/19/2001	Gunnar-Marcel Klein	178/50504	7253

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EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,527

Applicant(s)

KLEIN, GUNNAR-MARCEL

Examiner

Matthew O Savage

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 4, 11, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 3, and 11 recite limitations that are considered redundant of those recited in claim 1.

Claim 4 is considered indefinite since the density range of the inflow layer includes values lying outside of the corresponding range recited in claim 1. In addition, the claim includes limitations that are considered redundant of claim 1.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okumura et al.

With respect to claims 1 and 4, Okumura et al disclose a filter element (see FIGS. 2 and 5) wherein a plurality of successive layers 11, 1 of filter media follow one another in a direction of flow through the filter, all of the layers consisting of synthetic fibers (see line 22 of col. 3), the successive filter media layers being pleated and exhibit

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respective degrees of filter fines that increase in the direction of flow through the filter (see lines 16-60 of col. 5), at least one filter media layer 2 arranged on an inflow side being composed of a polyester meltblown non-woven web (see lines 19 and 40 of col. 3), and a filter media layer 2 on the outflow side composed of a polyester nonwoven web. Okumura et al fail to specify the recited density and thickness value for the inflow side layer and the outflow side layer, however, such a modification would have been obvious in order to optimize the filter for a particular application.

Concerning claim 2, Okumura et al disclose synthetic fibers being polyester fibers (see line 19 of col. 3).

As to claim 3, Okumura et al disclose the melt blown non woven web as being made of polyester fibers (see lines 19 and 40 of col. 3).

As to claim 11, Okumura et al discloses the filter media as being folded into a star shape (see FIG. 5).

Concerning claim 12, Okumura et al discloses successive layers of filter media that are joined together by surface pressure during folding since the media is pleated.

Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okumura et al as applied to claim 1 above, and further in view of Chilton et al.

With respect to claim 5, Okumura et al fail to specify three successive layers of filter media. Chilton et al disclose three successive layers of filter media 54, 56, 59 and suggests that such an arrangement improves both the particle retention capacity and service life of the filter. It would have been obvious to have modified the filter of

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Okumura et al so as to have included three successive layers as suggested by Chilton et al in order to improve the particle retention capacity and service life of the filter.

Concerning claims 6, 8, and 10, Chilton et al disclose inflow side, center, and outflow side layers that are formed of a melt blown polyester web.

With respect to claims 7 and 9, Okumura et al and Chilton et al fail to specify the recited density and density value for the inflow side layer, however, such a modification would have been obvious in order to optimize the filter for a particular application.

Applicant's arguments filed 10-1-03 have been fully considered but they are not persuasive.

Applicant's argument that Chilton et al and Okumura et al fail to disclose a non-melt blown layer on the outflow side of the filter fails to apply to the rejection at hand since such a limitation has not been recited in instant claim 1 and does not appear anywhere in the instant specification.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

This application contains claims 13-19 drawn to an invention nonelected with traverse in Paper No. 6. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

M. Savage
Matthew O Savage
Primary Examiner
Art Unit 1723

Mos
January 8, 2004